



Variance Review Board
City Council Chambers
City Hall
315 E. Kennedy Blvd, Third Floor

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND SECTION 286.26, FLORIDA STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO THE DATE OF THE MEETING.

IF YOU DECIDE TO APPEAL A DECISION OF THE VARIANCE REVIEW BOARD, YOU WILL NEED TO APPLY TO THE CITY OF TAMPA CITY CLERK'S OFFICE NO LATER THAN TEN BUSINESS DAY'S AFTER THE ORAL DECISION IS MADE.

March 11, 2014

SILENT ROLL CALL

In attendance were Randy Baron, Chair; Alyson Utter, Gary Brown, Richard Peterika, Antonio Amadeo, Dr. Susan Long, Sue Lyon

Staff in attendance were Ernest Mueller, Legal Department; Eric Cotton and Karencia Ciagala from Land Development Coordination, and Mary Danielewicz-Bryson, Natural Resources.

II. APPROVAL OF MINUTES for February 11, 2014, Public Hearing

Gary Brown made motion to approve, seconded by Richard Peterika.

III. EXPARTE COMMUNICATION - NONE

IV. NEW BUSINESS

APPLICATION: VRB14-17
APPLICANT: Maria L Valido
LOCATION: 2713 West Heiter Street
REQUEST: To reduce the rear yard from 20' to 3' (Section 27-156) and the building separation from 5' to 2' (Section 27-290)
PURPOSE: To keep an unpermitted addition
NEIGHBORHOOD: None

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the original hand-drawn site plan shown at the February 11th, 2014 meeting.

Applicant Maria Valido provided copies of a larger site-plan and displayed photos of adjoining neighbors property. The photos and copies were entered into the record.

VRB14-17 (continued)

Public comments: No one from audience provided comments.

Discussion with board members continued to clarify the size of original structure and the size of current structure. Public discussion was then closed.

Alyson Utter entered a motion to deny the applicants request. Legal Counsel, Senior Assistant Attorney Ernest Mueller recommended Variance Review Board Members Dr. Susan Long and Sue Lyons rescuse themselves from the vote as they were not able to watch the video of the last meeting, and were not in attendance. Mr. Brown asked for clarification, that a quorum was still present without their votes. Chair Randy Baron stated he was not in favor of denying the request. Antonio Amadeo made a **Substitute Motion** to approve the sketches, existing location of extended roof, with the condition that it never be enclosed, to remain an open structure, with a height of 15 ft. ; separation of the shed, with the hardship being it was an existing structure. **Substitute Motion failed** for lack of a second.

Chair Randy Baron asked for a vote on the **original motion** . **Seconded by Richard Peterika**. Request by applicant was **denied** by a vote of 3 to 2,with Chair Randy Baron and Antonio Amadeo opposing, and Dr. Susan Long and Sue Lyons abstaining, per legal recommendation.

APPLICATION:	VRB14-23
APPLICANT:	Chris Gardella
LOCATION:	5113 West Azeele Street
REQUEST:	Reduce the side yard from 15' to 7' 9", with the allowed encroachment of the eaves and gutters (Section 27-156)
PURPOSE:	To construct a screen enclosure
NEIGHBORHOOD:	Beach Park

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan. Eric Cotton stated a letter of opposition was received.

Applicant Michael Hauswirth stated pool was installed two years ago and had no complaints and stated drainage system was properly installed and inspected by the City Inspectors.

Public comments: Margaret Vissi asked questions if renovated, or if sold to new owners if structure would become enclosed. Clarification was made by Senior Assistant City Attorney Ernest Mueller that the variance becomes a land right. Richard Ogden objection mentions concerns for character of neighborhood and lack of a hardship. Cherie Ogden stated water is an issue in South Tampa, respectfully asked for a denial.

Rebuttal: Property owners stated many neighbors have back patios, it will increase property values, and seriously improve the view. They agreed that if approved they would agree to never enclose and it would always remain a one story structure.

Board members discussed concerns and dimensions, and whether or not to grant variance with or without conditions. **Dr. Susan Long made the motion to approve** the reduction of side yard from 15ft. to 7 ft. with the conditions that the screen structure never be enclosed and it remain a single story structure. **Seconded by Gary Brown**. **Motion passed** 6 to 1, with Richard Peterika the opposing vote.

APPLICATION: VRB14-24
APPLICANT: David Houpt
LOCATION: 4003 Calle Delfin Court
REQUEST: To reduce the rear yard from 20' to 16', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct a residential addition
NEIGHBORHOOD: Bayshore Beautiful

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

Mary Danielewicz-Bryson, Natural Resources, discussed the need for consideration of a Laurel Oak tree with 14" surface roots, and that staff requests root excavation. Board members discussed the tree was already stressing and was not a Grand Tree but a Laurel Oak.

Applicant David Houpt (representative for the owners) stated this would be a glass addition with matching of materials of the existing structure. Board asked for clarification that it was a single story glassed in addition. Mary Danielewicz-Bryson, Natural Resources provided photos of existing structure, showing tree location on property.

Public comments: None

Richard Peterika made the Motion to approve with setback 20 ft. to 16 ft. allowing for encroachment with eaves/gutters, with the condition that it remain a single story, minimum width for room addition. **Gary Brown seconded** the Motion. Chair Randy Baron commented on tree status, not being a Grand, and already stressed. Vote **passed unanimously**.

APPLICATION: VRB14-25
APPLICANT: Rob Glisson
LOCATION: 909 South Frankland Road
REQUEST: To reduce the front yard from 25' to 19', with the allowed encroachment of the eaves and gutters
PURPOSE: To construct a residential addition
NEIGHBORHOOD: Golfview Civic and Garden Association

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

Applicant Rob Glisson clarified this request is for an open addition to the pool area, and to screen in previous structure.

Public comments: Pat Torres, Community Liaison stated that his Association voted in opposition of this project. They don't want it entirely enclosed due to south side drainage issue; and that this project is not a match architecturally to the neighborhood. Structure is enormous and out of character, and by passing this it would set a precedent.

Bill Van Dyke, representing others in the audience, spoke about water problems, the original addition completed in 2003, and the requirements used by the VRB pertaining to hardship requirements and not being allowed to approve a self created hardship. Board members discussed concerns.

VRB14-25 (Continued)

Motion was made by Dr. Susan Long to deny applicant's request, showing no hardship, too elaborate, and based on testimony from neighbors the impact on residents and no hardship. **Motion Seconded by Sue Lyons.** Applicant's request was **denied by a vote of 5 to 2**, with Antonio Amadeo and Richard Peterika opposing the motion.

APPLICATION: VRB14-26
APPLICANT: Tobin Green
LOCATION: 400 South Orleans Avenue
REQUEST: To reduce the front yard from 25' to 7', the side yard from 7' to 4' and the rear yard from 15' to 4', with the allowed encroachment of the eaves and gutters, and the reduction in the entrance to a garage from 10' to 7'
PURPOSE: To construct a single family home
NEIGHBORHOOD: Hyde Park North/Historic Hyde Park

Staff, Eric Cotton, introduced the case, and then explained to the Board that Applicant has requested a Continuance to try to resolve tree issues.

Dr. Susan Long entered motion for continuance to April 8th, 2014. Seconded by Richard Peterika and passed unanimously.

APPLICATION: VRB14-28
APPLICANT: Thomas Demarest
LOCATION: 2713 West Fountain Boulevard
REQUEST: Increase the height of a fence from 6' to 8'
PURPOSE: To construct an 8' fence
NEIGHBORHOOD: Parkland Estates/Palma Ceia Pines/Historic Hyde Park/Tampa Heights

Staff introduced the case, reviewing the request, showing an aerial and photographs and explaining the site plan.

Applicant Thomas Demarest explained that he would like to construct the fence on his property on West Fountain Blvd. for his privacy from the businesses located behind his property on Swann Avenue. The fences next to him and types of fencing were discussed, and he stated that almost all were 8 feet as allowed for businesses.

Public comments: None.

Motion to approve was made by **Antonio Amadeo** and **Seconded by Dr. Susan Long** and passed **unanimously**.

V. BOARD BUSINESS

Elections for Chair and Vice-Chair

Motion made by Dr. Susan Long to elect Randy Baron for Chair.

A count was taken and passed unanimously.

Motion made by Gary Brown to elect Antonio Amadeo for Vice-Chair.

A count was taken and passed unanimously.

BOARD BUSINESS (Continued)

Discussion on Site Plan Needs

Board members discussed the need for better language and a requirement to have site plans to scale and/or a survey from applicants to the Variance Review Board. Staff, Eric Cotton mentioned that in the past, main consideration was the costs involved and not wanting to have applicants incur large costs, and then possibly not be approved. Costs were discussed, and that they wanted survey and/or site plans to include trees.

It was decided that to help applicants to abide by guidelines it would be best if the minimum requirement for someone to come before this Board was a **"Dimensional Site Plan or Survey."**

Senior Assistant City Attorney Ernest Mueller stated he would discuss this with the Zoning Administrator. Mr. Mueller also wanted to clarify to the Board that legal language is changing and that Appeals of Zoning now go to a Magistrate.

Discussion on Nonconformities

Eric Cotton discussed several issues, beginning with sign issues. What happens when signs fall down, or property is knocked down. Vesting house knocked down, new builder gets that setback. Signs, non-conforming, Mr. Cotton stated City Council needs to decide. Gary Brown stated current laws exist to do away with signs. He also stated if someone's property has a condition, such as can't enclose, it stays until the property owner asks to have the condition removed.

Discussion continued in reference to allowing conditions/variances, and then building is torn down, if rebuilt, there would be no way for it to pass code. The Board considered internalizing these decisions, and would like to discuss this with building officials. Eric Cotton stated he spoke with Inspectors and was told that all parties involved are informed of violations and that they need permits. Inspectors reports are distributed directly to Chief of Building Inspectors. Some Board members stated it would be helpful to have a written report prior to (VRB)decisions, to help them understand condition of structures, and they would like a clarification of the definition of a structure. Eric Cotton will meet with staff to assist the Board.

Meeting adjourned.

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The VRB meets the second Tuesday of the month at 6:30pm to hear and decide variance requests for zoning, tree and landscape, and sign issues. Replays Tuesdays at 6:30pm.

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